

AMENDMENTS TO LB 503

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Sections 1 to 10 of this act shall be known
4 and may be cited as the Nebraska Shooting Range Protection Act.

5 Sec. 2. For purposes of the Nebraska Shooting Range
6 Protection Act:

7 (1) Firearm has the same meaning as in section 28-1201;

8 (2) Person means an individual, association,
9 proprietorship, partnership, corporation, club, political
10 subdivision, or other legal entity;

11 (3) Shooting range means an area or facility designated
12 or operated primarily for the use of firearms or archery and which
13 is operated in compliance with the act and the shooting range
14 performance standards. Shooting range excludes shooting preserves
15 or areas used for law enforcement or military training; and

16 (4) Shooting range performance standards means the
17 revised edition of the National Rifle Association's range source
18 book titled A Guide To Planning And Construction adopted by the
19 National Rifle Association, as such book existed on January 1,
20 2009, for the safe operation of shooting ranges.

21 Sec. 3. (1) The Game and Parks Commission shall adopt and
22 promulgate as rules and regulations the shooting range performance
23 standards.

1 (2) The commission shall review the shooting range
2 performance standards at least once every five years and revise
3 them if necessary for the continuing safe operation of shooting
4 ranges.

5 Sec. 4. Any shooting range that is existing and lawful
6 may continue to operate as a shooting range notwithstanding,
7 and without regard to, any law, rule, regulation, ordinance, or
8 resolution related to zoning enacted thereafter by a city, county,
9 village, or other political subdivision of the state, if operated
10 in compliance with the shooting range performance standards.

11 Sec. 5. Any shooting range that is existing and lawful
12 may continue to operate as a shooting range notwithstanding,
13 and without regard to, any law, rule, regulation, ordinance, or
14 resolution related to noise enacted thereafter by any city, county,
15 village, or other political subdivision of the state, except as
16 provided in section 8 of this act, if operated in compliance with
17 the shooting range performance standards.

18 Sec. 6. No law, rule, regulation, ordinance, or
19 resolution relating to the discharge of a firearm at a shooting
20 range with respect to any shooting range existing and lawful shall
21 be enforced by any city, county, village, or other political
22 subdivision, except as provided in section 8 of this act,
23 if operated in compliance with the shooting range performance
24 standards.

25 Sec. 7. A shooting range that is existing and lawful
26 shall be permitted to do any of the following if done in compliance
27 with the shooting range performance standards:

1 (1) Repair, remodel, or reinforce any improvement or
2 facilities or building or structure as may be necessary in the
3 interest of public safety or to secure the continued use of the
4 building or improvement;

5 (2) Reconstruct, repair, rebuild, or resume the use of a
6 facility or building; or

7 (3) Do anything authorized under generally recognized
8 operation practices, including, but not limited to:

9 (a) Expand or enhance its membership or opportunities for
10 public participation; and

11 (b) Expand or increase facilities or activities within
12 the existing range area.

13 Sec. 8. A city, county, village, or other political
14 subdivision of the state may limit the hours between 10:00 p.m. and
15 7:00 a.m. that an outdoor shooting range may operate.

16 Sec. 9. A person who is shooting in compliance with the
17 shooting range performance standards at a shooting range between
18 the hours of 7:00 a.m. and 10:00 p.m. is presumed not to be
19 engaging in unlawful conduct merely because of the noise caused by
20 the shooting.

21 Sec. 10. (1) Except as otherwise provided in the Nebraska
22 Shooting Range Protection Act, the act does not prohibit a city,
23 county, village, or other political subdivision of the state from
24 regulating the location and construction of a shooting range.

25 (2) A person, the state, or any city, county, village,
26 or other political subdivision of the state shall not take
27 title to property which has a shooting range by condemnation,

1 eminent domain, or similar process when the proposed use of the
2 property would be for shooting-related activities or recreational
3 activities or for private commercial development. This subsection
4 does not limit the exercise of eminent domain or easement necessary
5 for infrastructure additions or improvements, such as highways,
6 waterways, or utilities.

7 Sec. 11. Section 14-102, Revised Statutes Cumulative
8 Supplement, 2008, is amended to read:

9 14-102 In addition to the powers granted in section
10 14-101, cities of the metropolitan class shall have power by
11 ordinance:

12 Taxes, special assessments.

13 (1) To levy any tax or special assessment authorized by
14 law;

15 Corporate seal.

16 (2) To provide a corporate seal for the use of the city,
17 and also any official seal for the use of any officer, board,
18 or agent of the city, whose duties under this act or under any
19 ordinance require an official seal to be used. Such corporate
20 seal shall be used in the execution of municipal bonds, warrants,
21 conveyances, and other instruments and proceedings as this act or
22 the ordinances of the city require;

23 Regulation of public health.

24 (3) To provide all needful rules and regulations for the
25 protection and preservation of health within the city; and for this
26 purpose they may provide for the enforcement of the use of water
27 from public water supplies when the use of water from other sources

1 shall be deemed unsafe;

2 Appropriations for debts and expenses.

3 (4) To appropriate money and provide for the payment of
4 debts and expenses of the city;

5 Protection of strangers and travelers.

6 (5) To adopt all such measures as they may deem necessary
7 for the accommodation and protection of strangers and the traveling
8 public in person and property;

9 Concealed weapons, firearms, fireworks, explosives.

10 (6) To punish and prevent the carrying of concealed
11 weapons and the discharge of firearms, fireworks, or explosives
12 of any description within the city, other than the discharge of
13 firearms at a shooting range pursuant to the Nebraska Shooting
14 Range Protection Act;

15 Sale of foodstuffs.

16 (7) To regulate the inspection and sale of meats, flour,
17 poultry, fish, milk, vegetables, and all other provisions or
18 articles of food exposed or offered for sale in the city;

19 Official bonds.

20 (8) To require all officers or servants elected or
21 appointed in pursuance of this act to give bond and security for
22 the faithful performance of their duties; but no officer shall
23 become security upon the official bond of another or upon any bond
24 executed to the city;

25 Official reports of city officers.

26 (9) To require from any officer of the city at any time a
27 report, in detail, of the transactions of his or her office or any

1 matter connected therewith;

2 Cruelty to children and animals.

3 (10) To provide for the prevention of cruelty to children
4 and animals;

5 Dogs; taxes and restrictions.

6 (11) To regulate, license, or prohibit the running at
7 large of dogs and other animals within the city as well as in areas
8 within three miles of the corporate limits of the city, to guard
9 against injuries or annoyance from such dogs and other animals, and
10 to authorize the destruction of the dogs and other animals when
11 running at large contrary to the provisions of any ordinance. Any
12 licensing provision shall comply with subsection (2) of section
13 54-603 for service animals;

14 Cleaning sidewalks.

15 (12) To provide for keeping sidewalks clean and free
16 from obstructions and accumulations, to provide for the assessment
17 and collection of taxes on real estate and for the sale and
18 conveyance thereof, and to pay the expenses of keeping the sidewalk
19 adjacent to such real estate clean and free from obstructions and
20 accumulations as herein provided;

21 Planting and trimming of trees; protection of birds.

22 (13) To provide for the planting and protection of shade
23 or ornamental and useful trees upon the streets or boulevards,
24 to assess the cost thereof to the extent of benefits upon the
25 abutting property as a special assessment, and to provide for the
26 protection of birds and animals and their nests; to provide for
27 the trimming of trees located upon the streets and boulevards or

1 when the branches of trees overhang the streets and boulevards when
2 in the judgment of the mayor and council such trimming is made
3 necessary to properly light such street or boulevard or to furnish
4 proper police protection and to assess the cost thereof upon the
5 abutting property as a special assessment;

6 Naming and numbering streets and houses.

7 (14) To provide for, regulate, and require the numbering
8 or renumbering of houses along public streets or avenues; to care
9 for and control and to name and rename streets, avenues, parks, and
10 squares within the city;

11 Weeds.

12 (15) To require weeds and worthless vegetation growing
13 upon any lot or piece of ground within the city to be cut and
14 destroyed so as to abate any nuisance occasioned thereby, to
15 prohibit and control the throwing, depositing, or accumulation of
16 litter on any lot or piece of ground within the city and to require
17 the removal thereof so as to abate any nuisance occasioned thereby,
18 and if the owner fails to cut and destroy weeds and worthless
19 vegetation or remove litter, or both, after notice as required
20 by ordinance, to assess the cost thereof upon the lots or lands
21 as a special assessment. The notice required to be given may be
22 by publication in the official newspaper of the city and may be
23 directed in general terms to the owners of lots and lands affected
24 without naming such owners;

25 Animals running at large.

26 (16) To prohibit and regulate the running at large or
27 the herding or driving of domestic animals, such as hogs, cattle,

1 horses, sheep, goats, fowls, or animals of any kind or description
2 within the corporate limits and provide for the impounding of
3 all animals running at large, herded, or driven contrary to such
4 prohibition; and to provide for the forfeiture and sale of animals
5 impounded to pay the expense of taking up, caring for, and selling
6 such impounded animals, including the cost of advertising and fees
7 of officers;

8 Use of streets.

9 (17) To regulate the transportation of articles through
10 the streets, to prevent injuries to the streets from overloaded
11 vehicles, and to regulate the width of wagon tires and tires of
12 other vehicles;

13 Playing on streets and sidewalks.

14 (18) To prevent or regulate the rolling of hoops, playing
15 of ball, flying of kites, the riding of bicycles or tricycles, or
16 any other amusement or practice having a tendency to annoy persons
17 passing in the streets or on the sidewalks or to frighten teams or
18 horses; to regulate the use of vehicles propelled by steam, gas,
19 electricity, or other motive power, operated on the streets of the
20 city;

21 Combustibles and explosives.

22 (19) To regulate or prohibit the transportation and
23 keeping of gunpowder, oils, and other combustible and explosive
24 articles;

25 Public sale of chattels on streets.

26 (20) To regulate, license, or prohibit the sale of
27 domestic animals or of goods, wares, and merchandise at public

1 auction on the streets, alleys, highways, or any public ground
2 within the city;

3 Signs and obstruction in streets.

4 (21) To regulate and prevent the use of streets,
5 sidewalks, and public grounds for signs, posts, awnings, awning
6 posts, scales, or other like purposes; to regulate and prohibit
7 the exhibition or carrying or conveying of banners, placards,
8 advertisements, or the distribution or posting of advertisements or
9 handbills in the streets or public grounds or upon the sidewalks;

10 Disorderly conduct.

11 (22) To provide for the punishment of persons disturbing
12 the peace and good order of the city by clamor and noise,
13 intoxication, drunkenness, fighting, or using obscene or profane
14 language in the streets or other public places or otherwise
15 violating the public peace by indecent or disorderly conduct or by
16 lewd and lascivious behavior;

17 Vagrants and tramps.

18 (23) To provide for the punishment of vagrants, tramps,
19 common street beggars, common prostitutes, habitual disturbers of
20 the peace, pickpockets, gamblers, burglars, thieves, or persons who
21 practice any game, trick, or device with intent to swindle, persons
22 who abuse their families, and suspicious persons who can give no
23 reasonable account of themselves; and to punish trespassers upon
24 private property;

25 Disorderly houses, gambling, offenses against public
26 morals.

27 (24) To prohibit, restrain, and suppress tippling shops,

1 houses of prostitution, opium joints, gambling houses, prize
2 fighting, dog fighting, cock fighting, and other disorderly houses
3 and practices, all games and gambling and desecration of the
4 Sabbath, commonly called Sunday, and all kinds of indecencies; to
5 regulate and license or prohibit the keeping and use of billiard
6 tables, ten pins or ball alleys, shooting galleries except as
7 provided in the Nebraska Shooting Range Protection Act, and other
8 similar places of amusement; and to prohibit and suppress all
9 lotteries and gift enterprises of all kinds under whatsoever name
10 carried on, except that nothing in this subdivision shall be
11 construed to apply to bingo, lotteries, lotteries by the sale of
12 pickle cards, or raffles conducted in accordance with the Nebraska
13 Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
14 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, or the
15 State Lottery Act;

16 Police regulation in general.

17 (25) To make and enforce all police regulations for the
18 good government, general welfare, health, safety, and security
19 of the city and the citizens thereof in addition to the police
20 powers expressly granted herein; and in the exercise of the police
21 power, to pass all needful and proper ordinances and impose fines,
22 forfeitures, penalties, and imprisonment at hard labor for the
23 violation of any ordinance, and to provide for the recovery,
24 collection, and enforcement thereof; and in default of payment to
25 provide for confinement in the city or county prison, workhouse,
26 or other place of confinement with or without hard labor as may be
27 provided by ordinance;

1 Fast driving on streets.

2 (26) To prevent horseracing and immoderate driving or
3 riding on the street and to compel persons to fasten their horses
4 or other animals attached to vehicles while standing in the
5 streets;

6 Libraries, art galleries, and museums.

7 (27) To establish and maintain public libraries, reading
8 rooms, art galleries, and museums and to provide the necessary
9 grounds or buildings therefor; to purchase books, papers, maps,
10 manuscripts, works of art, and objects of natural or of scientific
11 curiosity, and instruction therefor; to receive donations and
12 bequests of money or property for the same in trust or otherwise
13 and to pass necessary bylaws and regulations for the protection and
14 government of the same;

15 Hospitals, workhouses, jails, firehouses, etc.; garbage
16 disposal.

17 (28) To erect, designate, establish, maintain, and
18 regulate hospitals or workhouses, houses of correction, jails,
19 station houses, fire engine houses, asphalt repair plants, and
20 other necessary buildings; and to erect, designate, establish,
21 maintain, and regulate plants for the removal, disposal, or
22 recycling of garbage and refuse or to make contracts for garbage
23 and refuse removal, disposal, or recycling, or all of the same, and
24 to charge equitable fees for such removal, disposal, or recycling,
25 or all of the same, except as hereinafter provided. The fees
26 collected pursuant to this subdivision shall be credited to a
27 single fund to be used exclusively by the city for the removal,

1 disposal, or recycling of garbage and refuse, or all of the same,
2 including any costs incurred for collecting the fee. Before any
3 contract for such removal, disposal, or recycling is let, the
4 city council shall make specifications therefor, bids shall be
5 advertised for as now provided by law, and the contract shall be
6 let to the lowest and best bidder, who shall furnish bond to the
7 city conditioned upon his or her carrying out the terms of the
8 contract, the bond to be approved by the city council. Nothing
9 in this act, and no contract or regulation made by the city
10 council, shall be so construed as to prohibit any person, firm,
11 or corporation engaged in any business in which garbage or refuse
12 accumulates as a byproduct from selling, recycling, or otherwise
13 disposing of his, her, or its garbage or refuse or hauling such
14 garbage or refuse through the streets and alleys under such uniform
15 and reasonable regulations as the city council may by ordinance
16 prescribe for the removal and hauling of garbage or refuse;

17 Market places.

18 (29) To erect and establish market houses and market
19 places and to provide for the erection of all other useful and
20 necessary buildings for the use of the city and for the protection
21 and safety of all property owned by the city; and such market
22 houses and market places and buildings aforesaid may be located on
23 any street, alley, or public ground or on land purchased for such
24 purpose;

25 Cemeteries, registers of births and deaths.

26 (30) To prohibit the establishment of additional
27 cemeteries within the limits of the city, to regulate the

1 registration of births and deaths, to direct the keeping and
2 returning of bills of mortality, and to impose penalties on
3 physicians, sextons, and others for any default in the premises;

4 Plumbing, etc., inspection.

5 (31) To provide for the inspection of steam boilers,
6 electric light appliances, pipefittings, and plumbings, to regulate
7 their erection and construction, to appoint inspectors, and to
8 declare their powers and duties, except as herein otherwise
9 provided;

10 Fire limits and fire protection.

11 (32) To prescribe fire limits and regulate the erection
12 of all buildings and other structures within the corporate limits;
13 to provide for the removal of any buildings or structures or
14 additions thereto erected contrary to such regulations, to provide
15 for the removal of dangerous buildings, and to provide that wooden
16 buildings shall not be erected or placed or repaired in the fire
17 limits; but such ordinance shall not be suspended or modified by
18 resolution nor shall exceptions be made by ordinance or resolution
19 in favor of any person, firm, or corporation or concerning any
20 particular lot or building; to direct that all and any building
21 within such fire limits, when the same shall have been damaged by
22 fire, decay, or otherwise, to the extent of fifty percent of the
23 value of a similar new building above the foundation, shall be torn
24 down or removed; and to prescribe the manner of ascertaining such
25 damages and to assess the cost of removal of any building erected
26 or existing contrary to such regulations or provisions, against the
27 lot or real estate upon which such building or structure is located

1 or shall be erected, or to collect such costs from the owner of
2 any such building or structure and enforce such collection by civil
3 action in any court of competent jurisdiction;

4 Building regulations.

5 (33) To regulate the construction, use, and maintenance
6 of party walls, to prescribe and regulate the thickness, strength,
7 and manner of constructing stone, brick, wood, or other buildings
8 and the size and shape of brick and other material placed therein,
9 to prescribe and regulate the construction and arrangement of fire
10 escapes and the placing of iron and metallic shutters and doors
11 therein and thereon, and to provide for the inspection of elevators
12 and hoist-way openings to avoid accidents; to prescribe, regulate,
13 and provide for the inspection of all plumbing, pipefitting, or
14 sewer connections in all houses or buildings now or hereafter
15 erected; to regulate the size, number, and manner of construction
16 of halls, doors, stairways, seats, aisles, and passageways of
17 theaters, tenement houses, audience rooms, and all buildings of
18 a public character, whether now built or hereafter to be built,
19 so that there may be convenient, safe, and speedy exit in case
20 of fire; to prevent the dangerous construction and condition of
21 chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers,
22 and heating appliances used in or about any building or a
23 manufactory and to cause the same to be removed or placed in
24 safe condition when they are considered dangerous; to regulate and
25 prevent the carrying on of manufactures dangerous in causing and
26 promoting fires; to prevent the deposit of ashes in unsafe places
27 and to cause such buildings and enclosures as may be in a dangerous

1 state to be put in a safe condition; to prevent the disposing of
2 and delivery or use in any building or other structure, of soft,
3 shelly, or imperfectly burned brick or other unsuitable building
4 material within the city limits and provide for the inspection of
5 the same; to provide for the abatement of dense volumes of smoke;
6 to regulate the construction of areaways, stairways, and vaults
7 and to regulate partition fences; to enforce proper heating and
8 ventilation of buildings used for schools, workhouses, or shops of
9 every class in which labor is employed or large numbers of persons
10 are liable to congregate;

11 Warehouses and street railways.

12 (34) To regulate levees, depots and depot grounds, and
13 places for storing freight and goods and to provide for and
14 regulate the laying of tracks and the passage of steam or other
15 railways through the streets, alleys, and public grounds of the
16 city;

17 Lighting railroad property.

18 (35) To require the lighting of any railway within the
19 city, the cars of which are propelled by steam, and to fix and
20 determine the number, size, and style of lampposts, burners, lamps,
21 and all other fixtures and apparatus necessary for such lighting
22 and the points of location for such lampposts; and in case any
23 company owning or operating such railways shall fail to comply with
24 such requirements, the council may cause the same to be done and
25 may assess the expense thereof against such company, and the same
26 shall constitute a lien upon any real estate belonging to such
27 company and lying within such city and may be collected in the same

1 manner as taxes for general purposes;

2 City publicity.

3 (36) To provide for necessary publicity and to
4 appropriate money for the purpose of advertising the resources and
5 advantages of the city;

6 Offstreet parking.

7 (37) To erect, establish, and maintain offstreet parking
8 areas on publicly owned property located beneath any elevated
9 segment of the National System of Interstate and Defense Highways
10 or portion thereof, or public property title to which is in the
11 city on May 12, 1971, or property owned by the city and used in
12 conjunction with and incidental to city-operated facilities, and to
13 regulate parking thereon by time limitation devises or by lease;

14 Public passenger transportation systems.

15 (38) To acquire, by the exercise of the power of eminent
16 domain or otherwise, lease, purchase, construct, own, maintain,
17 operate, or contract for the operation of public passenger
18 transportation systems, excluding taxicabs and railroad systems,
19 including all property and facilities required therefor, within and
20 without the limits of the city, to redeem such property from prior
21 encumbrance in order to protect or preserve the interest of the
22 city therein, to exercise all powers granted by the Constitution
23 of Nebraska and laws of the State of Nebraska or exercised by or
24 pursuant to a home rule charter adopted pursuant thereto, including
25 but not limited to receiving and accepting from the government of
26 the United States or any agency thereof, from the State of Nebraska
27 or any subdivision thereof, and from any person or corporation

1 donations, devises, gifts, bequests, loans, or grants for or in
2 aid of the acquisition, operation, and maintenance of such public
3 passenger transportation systems and to administer, hold, use, and
4 apply the same for the purposes for which such donations, devises,
5 gifts, bequests, loans, or grants may have been made, to negotiate
6 with employees and enter into contracts of employment, to employ
7 by contract or otherwise individuals singularly or collectively, to
8 enter into agreements authorized under the Interlocal Cooperation
9 Act or the Joint Public Agency Act, to contract with an operating
10 and management company for the purpose of operating, servicing, and
11 maintaining any public passenger transportation systems any city
12 of the metropolitan class shall acquire under the provisions of
13 this act, and to exercise such other and further powers as may be
14 necessary, incident, or appropriate to the powers of such city; and
15 Regulation of air quality.

16 (39) In addition to powers conferred elsewhere in the
17 laws of the state and notwithstanding any other law of the state,
18 to implement and enforce an air pollution control program within
19 the corporate limits of the city under subdivision (23) of section
20 81-1504 or subsection (1) of section 81-1528, which program shall
21 be consistent with the Clean Air Act, as amended, 42 U.S.C. 7401 et
22 seq. Such powers shall include without limitation those involving
23 injunctive relief, civil penalties, criminal fines, and burden of
24 proof. Nothing in this section shall preclude the control of air
25 pollution by resolution, ordinance, or regulation not in actual
26 conflict with the state air pollution control regulations.

27 Sec. 12. Section 15-258, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 15-258 A city of the primary class may restrain,
3 prohibit, and suppress unlicensed tippling shops, billiard tables,
4 bowling alleys, houses of prostitution, opium joints, dens, and
5 other disorderly houses and practices, games, gambling houses,
6 desecration of the Sabbath day, commonly called Sunday, and may
7 prohibit all public amusements, shows, exhibitions, or ordinary
8 business pursuits upon such day, all lotteries, all fraudulent
9 devices and practices for the purposes of obtaining money or
10 property, all shooting galleries except as provided in the Nebraska
11 Shooting Range Protection Act, and all kinds of public indecencies,
12 except that nothing in this section shall be construed to apply to
13 bingo, lotteries, lotteries by the sale of pickle cards, or raffles
14 conducted in accordance with the Nebraska Bingo Act, the Nebraska
15 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
16 Nebraska Small Lottery and Raffle Act, or the State Lottery Act.

17 Sec. 13. Section 16-226, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 16-226 A city of the first class by ordinance may
20 regulate, prohibit, and suppress unlicensed tippling shops,
21 billiard tables, and bowling alleys, may restrain houses of
22 prostitution, opium joints, dens, and other disorderly houses and
23 practices, games, gambling houses, desecration of the Sabbath day,
24 commonly called Sunday, and may prohibit all public amusements,
25 shows, exhibitions, or ordinary business pursuits upon such day,
26 all lotteries, all fraudulent devices and practices for the purpose
27 of obtaining money or property, all shooting galleries except as

1 provided in the Nebraska Shooting Range Protection Act, and all
2 kinds of public indecencies, except that nothing in this section
3 shall be construed to apply to bingo, lotteries, lotteries by the
4 sale of pickle cards, or raffles conducted in accordance with
5 the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the
6 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
7 Raffle Act, or the State Lottery Act.

8 Sec. 14. Original sections 15-258 and 16-226, Reissue
9 Revised Statutes of Nebraska, and section 14-102, Revised Statutes
10 Cumulative Supplement, 2008, are repealed.